

## Inspections for Compliance with IEPA's General Construction Stormwater Permit



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### When will sites be inspected?

- Any site at any time!
  - Keep site in compliance at all times.
  - Inspectors: IEPA, USEPA, SWCD, SMC, Municipal
- Who's responsible?
  - Everyone – Ultimately the Land Owner
  - Coordination at all levels is needed (Pre-Cons)
  - Communicate Proper Installation and Maintenance throughout Construction

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### Pre-Construction Checklist

- Check for Paperwork
  - Designate a location on-site
  - NOI (you can now e-file) and permit
  - Storm Water Pollution Prevention Plan SWPPP
    - You are now required to send an electronic copy to IEPA
  - Inspection log



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## Pre-Construction Checklist

- **Assign SESC oversight** (name and qualifications now required for the NOI)
  - Site Inspections - weekly and after .5" rains
  - Maintenance responsibilities:



Street  
Scraping  
←

Silt Fence  
Repair  
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## Pre-Construction Checklist

- Communicate SESC objectives to all general contractors, sub-contractors
- Signatures on the Contractor Certification Statement

"I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit (LR10) that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

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## A Two Part Inspection:

1. Checking For Paperwork (audit)
2. Site Assessment

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Part 1 of the Inspection  
The Audit

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Changes to the ILR10 Permit  
Effective August 11, 2008

**Paperwork**

- Permit coverage 30 days after it is received by IEPA
- You can now e-file your NOI
- You must describe demolition activities if applicable
- SWPPP must be submitted electronically to [epa.constilr10swppp@illinois.gov](mailto:epa.constilr10swppp@illinois.gov) (NO paper copies)

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Changes to the ILR10 Permit  
Effective August 11, 2008

**Erosion and Sediment Controls**

- Stabilization (temporary or permanent) must be done within 7 days on areas that will not be re-disturbed within 14 days (previous rule was 14/21 days);
- Requirement now stricter than WDO

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### Changes to the ILR10 Permit Effective August 11, 2008

#### **Final stabilization definitions**

- All soil disturbing activities at the site have been completed, and either
  - ☐ Paved and permanent structures
  - ☐ Vegetated (70% Uniform Perennial Coverage)
  - ☐ Equivalent permanent stabilization measures (i.e. riprap, gabions or geotextiles) have been employed.

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### Changes to the ILR10 Permit Effective August 11, 2008

#### **Final stabilization definitions**

- Completed final stabilization as specified on previous slide, or
- Established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

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### Changes to the ILR10 Permit Effective August 11, 2008

#### **Inspections**

- Qualified personnel: "Licensed Professional Engineer (P.E.), a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Erosion Sediment and Storm Water Inspector (CESSWI) or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activities."
- Name and qualifications required on NOI

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## Changes to the ILR10 Permit Effective August 11, 2008

### Reporting a ION

- "The permittee shall notify the appropriate Agency Field Operations Section office by email at: [epaswnoncomp@illinois.gov](mailto:epaswnoncomp@illinois.gov), telephone or fax within **24 hours** of any incidence of noncompliance for any violation of the storm water pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit."
- The 5 day rule still applies.

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## Required Paperwork

- (1) NOI and Permit
- (2) SWPPP – Storm Water Pollution Prevention Plan
  - Electronic version must be submitted to IEPA
  - Made available to Sub-Contractors
  - All required sections are present
    - (see ILR10 permit part IV or <http://www.epa.state.il.us/water/permits/storm-water/general-construction-permit.pdf>)
  - Contractor Certification Statement is signed
- (3) Site Inspection log

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## Required Paperwork

- (1) NOI and Permit
  - Has it been filed
  - Available to Inspectors – keep in a visible location on site

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- IEPA Inspection Form – Cover Sheet
- Most Information can be obtained from the NOI

CONSTRUCTION STORMWATER INSPECTION FORM	
CITY:	DATE OF INSPECTION:
ATTN NAME:	INSPECTED BY:
ADDRESS REGARDING SITE:	PERMIT FILING DISTRICT:
STREET OR ROAD CODE:	WEATHER:
<b>GENERAL</b>	
SITE ADDRESS: _____	
MAILING ADDRESS: _____	
RESPONSIBLE PERSON: _____	
TITLE: _____	
TELEPHONE NUMBER: _____	
<b><u>STORMWATER POLLUTION PREVENTION PLAN</u></b>	
<b><u>SITE DESCRIPTION</u></b>	
Does this provide a description of the nature of construction activity? <u>Describe:</u> _____	
Does this provide a description of the intended impact of major activities which will be done? _____	
Erosion: _____	
Does this provide estimates of the total area of the site to be disturbed? <u>Area:</u> _____	
Does this provide an estimate of the runoff coefficient of the site after construction? _____	
Erosion: _____	

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1. Text – you can use the IEPA template to ensure all sections are covered
  - Narrative requirement under ILR10
  - Taken from ILR10
2. Site Plan - SESC
  - Keep Updated



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Does Plan provide a site map?	Yes	No
1. Does site map show drainage patterns and approximate slopes anticipated before and after major grading activities?	Yes	No
2. Does site map show location where vehicles enter and exit the site and controls to prevent offsite sediment tracking?	Yes	No
3. Does site map show location of areas of soil disturbance?	Yes	No
4. Does site map show location of structural and non structural controls identified in the plan?	Yes	No
5. Does site map show location of areas where stabilization practices are expected to occur?	Yes	No
6. Does site map show location of surface waters (including wetlands)?	Yes	N/A
7. Does site map show location where storm water is discharged to surface waters?	Yes	No
Does Plan provide the name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site?	Yes	No

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## SWPPP Text

- Site Specific Information is Needed
- All required sections must be present:
  - Site Description, Controls, Stabilization Practices (7/14 day rule), Construction Practices, Storm Water Management, Other Controls
  - Local Requirements are Met
  - Maintenance, Inspections (qualified personnel), Non-Stormwater Discharges
    - (see **ILR10 permit part IV** or [www.epa.state.il.us](http://www.epa.state.il.us))
- Contractor Certification Statement is present and signed

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## SWPPP – Site Plan

- Practices & controls must be at *least* as protective as the requirements contained in the Illinois Urban Manual – latest version 2002
- <http://www.il.nrcs.usda.gov/technical/engineer/urban/contents.html>

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## (3) Site Self Inspection Log

- Detailed inspections are worth your while
- Perform at least weekly and after 0.5" rains
- Check that Erosion and Sediment Control measures shown on the SWPPP are installed on the site
- Determine if additional measures may be needed

MAINTENANCE/INSPECTIONS	
Are a description of procedures to maintain in good and effective operating condition vegetation, erosion and sediment control measures and other protective measures identified in the site plan?	Yes No
Are inspection reports retained as part of the plan?	Yes No
Are inspections of site conducted as required? Last Date: _____	Yes No
Have all contractors and subcontractors signed a certification as to their understanding of the plan?	Yes No
Contractor(s) Name(s): _____	
Is the plan signed by a responsible individual as official?	Yes No
Name: _____ Title: _____	
Does the storm water pollution prevention plan need modification?	Yes No
Comments (Deficiencies/Recommendations): _____	
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## Self Inspections Should Include:

- Date of the Inspection
- Initials of inspector
- Inspector qualifications
- Dates of Major Grading Activities
- Status of SESC practices
  - Dates of installation
  - Dates of maintenance
- Check outlets and stormwater exit points
  - Evidence of Sediment leaving the site?

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## Sample Inspection Forms

- Construct a form

or

- Use an existing form:

- IEPA
- IDOT
- SWCD
- SMC

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## Self Inspections may also include:

- IONs – Incidence of Non-compliance report (report them within 24 hours)




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## Incidence of Non-Compliance

- Documentation is your friend!
- Self-Reporting means Inspectors don't have to worry as much
- IEPA does not usually use IONs to initiate enforcement actions
- If the problem continues, change or add additional practices

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
CONSTRUCTION SITE EROSION WATER DISCHARGE  
INCIDENT OF NON-COMPLIANCE (ION)

Agency Name	Agency Address	Agency City	Agency State	Agency Zip
Agency Phone	Agency Fax	Agency E-mail	Agency Website	Agency URL
Agency Contact	Agency Title	Agency Date	Agency Time	Agency Location
ION Description (to be completed by the Agency)				
Agency Action (to be completed by the Agency)				
Agency Signature (to be completed by the Agency)				
Agency Date (to be completed by the Agency)				

## IEPA Inspection Form

- IEPA inspection includes checking for recent IONs
- File IONs if needed
- Add IONs to inspection log
- Modify SWPPP site plan as needed

The 5 day rule still applies even though you must now report ION's within 24 hours.

Incidence of Non-Compliance (ION) report template (17.D.4.d)

Notify the Agency in writing within 5 days of any violation of the SWPPP

The ION report includes:

- cause of non-compliance and its environmental impact?
- action taken to prevent further non-compliance?
- signature of responsible authority?

SWPPP is modified as necessary to:

- comply with minimum permit requirements after notification by the Agency? (17.B.4)
- address a change in design, materials, equipment or conditions which has an effect on the potential for discharge of sediments, or plan proves ineffective? (17.C)
- correct problems found during inspections? (17.F.1.d)
- Modifications to the SWPPP are made and implemented within 7 days? (17.B.4, 17.D.4.b)

## When should I file an ION?



Turbidity and Sedimentation

Impacts to stream bed or banks



### Sedimentation to Downstream Water Bodies



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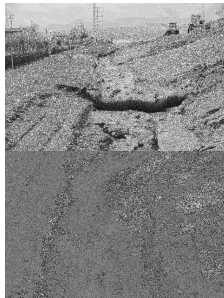
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### Significant Failure to BMPs

Sediment overtopping trap



Failure to control sediment in a ditch line

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### Part 2 of the Inspection

### The Site Assessment

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## What will be inspected?

- All Erosion and Sediment Control measures shown on the plans
- Entry points to stormwater facilities



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## What will be inspected?



Curb inlets too!

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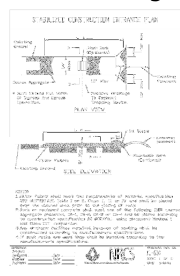
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## What will be inspected?

- Construction access roads / Sediment Tracking




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## What will be inspected?

- Concrete Washout Areas



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## Enforcement and Penalties

- USEPA has delegated NPDES authority to the State of Illinois
- IEPA's enforcement options include:
  - Administrative Orders
  - Civil Actions
  - Criminal Prosecutions

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## Enforcement and Penalties

- Administrative Order
  - Maximum is \$157,000
  - Considers Nature of the Violation and Prior History
- Civil Penalties
  - Maximum is \$32,500 per violation per day
  - Court considers seriousness of the offense
- Criminal Penalties
  - Penalties from \$32,500 per day to \$1M and Imprisonment
  - May refer the case to the Dept of Justice

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## Enforcement and Penalties

### ■ Citizen Suit

- Environmental Groups can bring action to enforce storm water permits.

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## Corrective Actions

- Compliance letter will be sent to site owner
- Corrective action must be made within 7 days of the inspection
- Don't forget modifications to the SWPPP may be needed respond to any issues
- File a NOT when the project is completed and has 70% cover (see *new* final stabilization definition)
- Paperwork must be kept for 3 years after the project ends

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## Forms

- <http://www.epa.state.il.us/water/permits/storm-water/construction.html>

- NOI – Notice of Intent
- NOT – Notice of Termination
- ION – Incidence of Non-Compliance
- Permits
- Public Notification List of NOI Applicants

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